

**REMARKS**

Favorable reconsideration and allowance of this application are requested.

**1. Discussion of Amendments**

The formulas in claims 1 and 4 have been amended so as to address the Examiner's noted informalities and to change the identifier "η" to -n-- and thereby conform such expression to the text of the originally filed specification.

Applicants note that claim 7 is not in fact a duplicate of claim 3 as alleged. In this regard, by way of the Preliminary Amendment dated January 10, 2005, the dependency of claim 3 was revised so it was dependent only on claim 1. Thus, since claim 7 is dependent on claim 2, there is no duplication of claimed subject matter as between claims 3 and 7.

Claim 5 has been cancelled thereby rendering moot the rejection raised under 35 USC §§101 and 112 thereagainst.

**2. Response to Double Patenting Rejection**

Applicants respectfully request reconsideration and withdrawal of the provisional "double patenting" rejection based on commonly owned USSN 10/517,595.

Specifically, although this is a provisional obviousness-type double patenting rejection, applicants respectfully submit that the multilayer structures of the present application and of US10/517595 are not obvious variants of one another. In this regard, the present application relates to a process in which a polyamide is applied to a solid substrate, whereas the invention of US10/517595 relates to a process producing a multilayer flat film. The production of multilayer flat film is a technology known per se, usually employing the co-extrusion technique. When co-extrusion is employed, the materials for the various layers are melted in separate extruders and transported to n

extruder head equipped with one or more outflow openings. The various molten streams are then in molten condition contacted with each other across the desired width (see page 3, lines 6-10 of US10/517595). This technique is unrelated to solid substrates. Therefore, the applicants respectfully submits that claims 1 and 4 of the present application are non-obvious over claims 1, 4 and 5 of US10/517595.

### **3. Response to 35 USC §103(a) Rejection**

Claims 1-9 attracted a rejection under 35 USC §103(a) as allegedly being "obvious", and hence unpatentable, over Nijenhuis et al in view of Cahill et al. Applicants respectfully disagree with the Examiner and suggest that the pending claims are patentably distinguishable over such cited references.

The present invention relates to a process for manufacturing a laminate including the application of a branched polyamide to a substrate.

A disadvantage of a laminate comprising a polyamide layer on a solid substrate is that the thickness of the polyamide layer coating on the substrate may vary (i.e. the substrate is unevenly coated in terms of thickness), especially in case the laminate is produced at high production speed (see the text of the present application at page 1, lines 11-18).

Hence, an objective of the present invention is to provide a laminate comprising a substrate and a polyamide layer in which the polyamide layer can be coated on the substrate with a more uniform thickness. This problem is solved in the present invention in that a branched polyamide according to formulas (1)- (3) is used.

Cahill does not teach that there is a link between uniform thickness and the employment of a branched polyamide according to the present invention.

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Nijenhuis et al does not relate to a laminate nor to the problem of uniform thickness.

Thus, if one would combine Cahill with Nijenhuis there would be no reasonable expectation of success as there is no teaching in such references to use a polyamide according to Nijenhuis to influence the thickness distribution when making a laminate.

There is no teaching in Nijenhuis or Cahill that the use of a branched polyamide results in uniform thickness of laminates, as Nijenhuis does not relate to laminates and Cahill does not address thickness, but relates to the problem of oxygen scavenging. Thus, the present invention cannot be considered "obvious" under 35 USC §103(a) based on upon a combination of such references.

Withdrawal of the rejection advanced under 35 USC §103(a) is therefore in order.

#### **4. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_ /Bryan H. Davidson/  
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100